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## City of Reading City Council

### Regular Meeting

July 9, 2007

A regular meeting of City Council was held on the above date for the transaction of general business.

Vaughn D. Spencer, President of Council, called the meeting to order.

The invocation was given by Deputy Chief of Fire and Rescue Services Michael Moyer.

All present pledged to the flag.

### **ATTENDANCE**

Council President Spencer  
Councilor Fuhs, District 1  
Councilor Goodman-Hinnershitz, District 2  
Councilor Sterner, District 3  
Councilor Marmarou, District 4  
Councilor Baez, District 5  
Councilor Waltman, District 6

Mayor T. McMahon  
Managing Director L. Churchill  
City Auditor D. Cituk  
City Solicitor C. Younger  
City Clerk L. Kelleher  
Public Works Director C. Jones

### **PROCLAMATIONS AND PRESENTATIONS**

#### **Council Commendation:**

Historic Preservation Awards, presented by O. Christopher Miller, HARB Chairman and Amy Johnson, Historic Preservation Specialist:

- 815 N. 5th St. – Daniel Schlenker, owner (painting of exterior surfaces).

- 138 S. 5th St. – Cynthia LaSota, owner (removal of PermaStone and restoration of the front façade).
- 1041 Washington St. – Fred J. Baker, owner (rehabilitation/restoration of the building and front façade).
- 113 N. 3rd St. – Matthew Mazurkiewicz & Carson Kober, owners (rehabilitation of front façade).

### **Mayoral Proclamations:**

Recognizing Mathew Figueroa, Dante Brandon and Jose Angel Caraballo, for their heroic efforts during a recent fire on Weiser Street.

Mayor McMahon asked all present to recognize the Boy Scout from Nativity Lutheran Church who is present to observe a City Council meeting.

### **PUBLIC COMMENT**

Council President Spencer announced that one citizen was registered to address Council on non-agenda matters. He asked if Council objected to suspending the public speaking rules which would allow the citizen registered to address Council to speak at this point in the meeting. As no one objected to the suspension of the rules, the public speaking rules were suspended.

**Amor Alloui, of Arlington Street**, explained that when living at another City address, he had a handicapped parking space at his home. He stated that when considering moving to another City property he inquired with Traffic Engineering about his ability to get a handicapped parking space at another location. After he moved into the Arlington Street house, he learned that he was unable to get a handicapped parking space as there are already two present in that block. He stated that the City's ordinance preventing more than two per block and the yellow line existing in front of his corner property presents a hardship. He announced his intent to file an EEOC complaint as failure to approve his application for a handicapped parking space violates federal acts. He described how the lack of available street parking affects his daily life practices.

### **APPROVAL OF AGENDA AND MINUTES**

Council President Spencer called Council's attention to the minutes from the June 25, 2007 regular meeting and the agenda for this meeting. He noted the need to add a resolution which would authorize a BEDI grant to

Sun Fresh Foods and Hydrojet. He also stated that the adoption of the agenda will include legislation listed under the consent agenda heading.

**Councilor Marmarou moved, seconded by Councilor Fuhs, to approve the minutes from the June 25, 2007 regular meeting of Council as presented and the agenda as amended, including the legislation listed under the consent agenda heading. The motion was approved unanimously.**

### **CONSENT AGENDA**

**Award of Contract** - to Northeast Industrial Services, 51 North Spruce Street, Mt. Carmel, PA 17851, who is the lowest bidder, at a bid price of \$89,750. The contract is for the demolition of the properties at 116 & 333 South 9th Street, 739 Neversink Alley and the rear garage at 352 North Front Street. **(Purchasing)**

### **ADMINISTRATIVE REPORT**

Mayor McMahon read the report distributed to City Council at the meeting covering the following topics:

- Update on graffiti removal
- Update on crime reduction efforts
- New hires in the Police and Fire Departments
- Park Watch program
- Central Processing at the County Courthouse
- The Group Work Camp

Councilor Goodman-Hinnershitz stated that she was encouraged by the construction occurring at City Park playground. She stated that she has been approached by some City residents wondering if the grass will be repaired. Councilor Goodman-Hinnershitz ensured all citizens that the grass would be repaired upon completion of the construction projects at the Park.

Councilor Goodman-Hinnershitz noted the public health issue created by the accumulation of trash in storm sewers in District 2 and City-wide. She presented a photograph of trash filled storm sewers in District 2. That photograph has been forwarded to the Mayor and City Clerk.

Mayor McMahon agreed with the trash problem created by litter. He described the problems he encountered on N. 9<sup>th</sup> Street between Marion and Robeson Streets.

Public Works Director Jones explained that two public works crews are assigned to clean catch basins: one crew is assigned to surface cleaning and one crew is assigned to the underground system. He noted that these two crews clean 100 of the 3900 storm sewers per month. He stated that last month the streets crew cleaned 420 basins.

Councilor Goodman-Hinnershitz noted the need to revisit this issue during budget discussions.

Council President Spencer questioned when the Bandshell would be painted. Public Works Director Jones stated the outside of the Bandshell will be painted this year and the inside will be painted next year. He noted the advice public works crews are receiving from a citizen.

Council President Spencer asked for additional information on the Police on Patrol State Grant. Mayor McMahon explained that the state grant will pay \$50,000 of a policeman's salary for a three-year period. The government grant covers up to five new police officers and the City is responsible for paying the costs that go over the \$50,000 mark.

Council President Spencer inquired if these officers can replace those lost due to attrition. Mayor McMahon thought that it must be an increase in manpower of the Police Department. Council President Spencer questioned the addition of police manning as the City is still unsure of the results attained through the reorganization of the Police Department which has placed more patrol on the streets.

## **AUDITOR'S REPORT**

City Auditor Dave Cituk introduced Linda Heimback from Herbein and Company to highlight the results of the 2006 external audit.

Ms. Heimback stated that although this year's audit went much easier than the 2005 audit, the Finance Department still has much work to do. She stated that the report contains some significant weaknesses and inefficiencies and acts as a report card on the City's financial state. She noted the success brought by the Real Estate Transfer Tax as the revenue was approximately \$2.8 million higher than budgeted. She cautioned the City to avoid dependence on one-time financial fixes such as swaps. She explained that without the revenue generated through the bond deals at the end of 2006 the City would have had a \$5.6 million deficit. She explained that the cumulative Public Safety Departments fell \$2.8 million over budget. She noted that the previously described one-time financial fixes allowed the City to achieve an approximate \$8.4 million surplus.

Ms. Heimback noted that some of the weaknesses and deficiencies identified are:

- Utility billing  
Heinbein & Company recommends adding staff to create a billing department
- Improve reporting and draw-down of HUD funds
- Pension reporting  
The State AG-385 form should be prepared and completed in consideration of actual wages paid. The internal auditor's office should oversee this reporting process.
- Information Technology  
As several employees in the IT Department work on numerous projects, documentation should be retained on changes made and the testing reports prior to implementation should be done to ensure actual and useful final products.

Ms. Heimback thanked the Auditor and the Finance Department for their help and cooperation during the external audit process.

Councilor Goodman-Hinnershitz thanked Ms. Heimback and Herbein and Company for preparing the 2006 external audit. She noted the potential misconception that the surplus will cover the City's structural deficit.

Ms. Heimback stated that the use of one-time funding has helped the City retain a fund balance. However, the City is not covering its rising structural deficits caused by increasing operational costs. Operational costs rise approximately \$3.5 million per year.

Councilor Waltman congratulated the Accounting Department for improving their revenue collecting function.

## **REPORTS FROM DIRECTORS, BOARDS, AUTHORITIES, COMMISSIONS**

Karel Minor, Executive Director of the Humane Society reported that the Animal Control Board has not experienced anything notable with permitting of exotic animals. He noted that the dog bite situation is worrisome and he explained that at this time the City is only two bites away from designating an aggressive dog. He stated that at this time the Pit Bull breed has the majority of bites on record. He stated that after analyzing dog bite trends he noted the need for some type of safety valve that will allow the Animal Control Board some flexibility in designating and eliminating the aggressive dog designation.

Councilor Waltman noted his surprise with the request to allow flexibility on the application of the Aggressive Animal Ordinance. He expressed the belief that the ordinance has served the City well by virtually eliminating any dog bite problems. He expressed his belief that the Animal Control Ordinance could be amended to increase the term of the aggressive animal designation.

Mr. Minor explained that the one year period relates to the State dog law. He stated that the local ordinance has been upheld by the Court system as it is not breed specific and was enacted to eliminate or reduce a public health and safety hazard. He expressed the belief that the designation should be removed when the safety issue has been resolved.

Councilor Waltman questioned the need for improved containment of dogs. Mr. Minor agreed that dogs should not be put in yards unsecured and unobserved.

Councilor Sterner agreed with the need to improve our containment regulations and asked that this issue be further discussed at an upcoming Public Safety Committee meeting.

Mr. Minor again expressed his belief that the Animal Control Ordinance has worked well in the City. He asked Council to consider some type of amendment that will provide the Animal Control Board increased flexibility in designating an aggressive dog.

Councilor Goodman-Hinnershitz questioned the success of the Humane Society Sweeps. Mr. Minor explained that the Humane Society has been doing sweeps as manpower allows. He stated that he is also working to obtain help from the State enforcement agency.

Councilor Goodman-Hinnershitz noted the need for the County to improve their educational process regarding the care of dogs. Mr. Minor agreed.

Councilor Sterner noted the problems with dog handling in the 1200 block of Douglass Street. He requested that the Humane Society consider adding that to their sweep areas.

Mayor McMahon thanked the Humane Society with the help they provided to rid his home of an opossum.

## **ORDINANCES FOR FINAL PASSAGE**

**Bill No. 48-2007** - increasing the salary of the Finance Director to \$75,000.00 per year (**Managing Director**) *Introduced at the 06/11/07 meeting of Council; tabled at the 06/25/07 meeting of Council, pending discussion*

**Councilor Baez moved, seconded by Councilor Fuhs, to increase the salary of the Finance Director to \$68,450 per year.**

Managing Director Churchill outlined the accomplishments of the Finance Director such as the creation of the call center, the creation of financial policies, and the start of the HPO program.

Council President Spencer stated that although he believes the Finance Director is doing a good job, he will not be supporting the salary increase proposed.

**Bill 48-2007 was enacted by the following vote:**

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman – 6.**

**Nay: Spencer President – 1.**

**Bill No. 54-2007** - amending the Codified Ordinances Chapter 1, Part 5, by adding a new section “O”, creating the City of Reading Diversity Board (**Waltman**) *Introduced at the 06/25/07 meeting of Council*

**Councilor Marmarou moved, seconded by Councilor Goodman-Hinnershitz, to enact Bill 54-2007.**

Councilor Waltman noted the good work by the Police and Fire Diversity Boards. However, these groups are temporary and focus on individual service areas. He stated that a City-wide Diversity Board would oversee the diversity hiring processes for all City work areas and will work to create a workforce that reflects the demographic needs of the City’s population.

**Bill 54-2007 was enacted by the following vote:**

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7.**

**Nay: None – 0.**

**Bill No. 55-2007** - increasing the salary of Frank Kasprowicz, Library Executive Director to \$67,087.00 per year **(Managing Director)** *Introduced at the 06/25/07 meeting of Council*

**Councilor Fuhs moved, seconded by Councilor Sterner, to increase the salary of the Library Executive Director to \$67,087.00.**

Managing Director Churchill described the accomplishments of Mr. Kasprowicz including the Library's receipt of many awards, their improved receipt of grant funding and the expansion of programs that have improved and increased the use of the library.

Councilor Goodman-Hinnershitz stated that she will support this increase as she has been impressed with the programs offered that have turned our libraries into community centers.

**Bill 55-2007 was enacted by the following vote:**

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7.**

**Nay: None – 0.**

**Bill No. 56-2007** - amending the salary range of the Finance Director **(Managing Director)** *Introduced at the 06/25/07 meeting of Council*

**Councilor Waltman moved, seconded by Councilor Fuhs, to enact Bill 56-2007.**

Managing Director Churchill explained that this is a housekeeping matter that will allow for the salary increase for the Finance Director.

**Bill 56-2007 was enacted by the following vote:**

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7.**

**Nay: None – 0.**

**Bill No. 57-2007** - amending the City of Reading Full Time Position Ordinance by adding ten fulltime firefighters **(Managing Director)** *Introduced at the 06/25/07 meeting of Council*



**Councilor Marmarou moved, seconded by Councilor Baez, to enact Bill 57-2007.**

Managing Director Churchill explained the need for filling ten vacant fire positions. He stated that overall hiring of ten additional firefighters will decrease overtime funding over the 2008 budget year.

Councilor Waltman noted that these positions were not included in the 2007 budget approved by Council last November.

**Bill 57-2007 was enacted by the following vote:**

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7.**

**Nay: None – 0.**

## **INTRODUCTION OF NEW ORDINANCES**

Council President Spencer read the following Ordinances into the record:

**Ordinance-** amending Chapter 1 of the City of Reading Codified Ordinances, Charter Board Ordinance, Section 599.25: Enforcement, Violations and Penalties. **(Council Staff/Solicitor)**

**Ordinance-** placing a referendum question before City voters on the 2007 General Election ballot which, would amend the City of Reading Home Rule Charter by changing the date for the presentation of the annual budget. **(Council Staff/Solicitor)**

**Ordinance-** placing a referendum question before City voters on the 2007 General Election ballot which, would amend the City of Reading Home Rule Charter by removing the relationship between the salary of the Mayor and City Auditor. **(Council Staff/Solicitor)**

City Auditor Dave Cituk questioned the City's ability to have more than two referendum action questions on the election ballot.

City Clerk Kelleher explained that the two referendum limitation applies only to citizen and initiative referendum, not to the governing body.

## **RESOLUTIONS**

**Resolution 82-2007** – authorize a BEDI totaling \$3.385 million from Our City Reading to Sun Fresh Foods and Hydrojet

**Councilor Goodman-Hinnershitz moved, seconded by Councilor Waltman, to adopt Resolution 82-2007.**

**Councilor Fuhs moved, seconded by Councilor Baez, to table Resolution 82-2007.**

**Resolution 82-2007 was tabled by the following vote:**

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7.**

**Nay: None – 0.**

**Resolution 83-2007** - adopting a hazard vulnerability and mitigation plan, as recommended by the Berks County Emergency Management Agency (**Council Staff**)

**Councilor Waltman moved, seconded by Councilor Baez, to adopt Resolution 83-2007.**

**Resolution 83-2007 was adopted by the following vote:**

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7.**

**Nay: None – 0.**

**Resolution 84-2007** - supporting the Stop Dumping on Berks program, which asks the citizens of Reading to report illegal dumping of trash (**Council President**)

**Councilor Goodman-Hinnershitz moved, seconded by Councilor Marmarou, to adopt Resolution 84-2007.**

Council President Spencer explained that this is a program supported by Crime Alert. All municipalities in Berks County are being asked to adopt this Resolution.

Councilor Goodman-Hinnershitz congratulated Crime Alert for taking the lead on this dumping issue. She noted the illegal dumping is a wide spread problem through the City and suburbs.

Councilor Sterner agreed with the wide spread nature of illegal dumping.

**Resolution 84-2007 was adopted by the following vote:**

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7.**

**Nay: None – 0.**

**Resolution 85-2007 - appointing Denton Buckley to the Downtown Improvement District Authority (Administrative Oversight)**

**Resolution 86-2007 - appointing Eron Lloyd to the Environmental Advisory Board (Administrative Oversight)**

**Resolution 87-2007 - appointing Harriet Rauenzahn to the Environmental Advisory Board (Administrative Oversight)**

**The Administrative Oversight Committee moved to make appointments to the City's Boards and Authorities.**

**Resolutions 85-2007, 86-2007 and 87-2007 were adopted by the following vote:**

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7.**

**Nay: None – 0.**

**Resolution 88-2007 - appointing Joe Kuzminski to the Reading Area Water Authority (Administrative Oversight)**

**Councilor Marmarou moved, seconded by Councilor Baez, to table Resolution 88-2007.**

**Resolution 88-2007 was tabled by the following vote:**

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7.**

**Nay: None – 0.**

### **COUNCIL COMMENT**

Councilor Fuhs thanked the Administration for their assistance in correcting the issues identified at Brookline Playground and Wyomissing Park.

Councilor Fuhs noted the need for the Black and Veatch study to be distributed as the City prepares for the 2008 budget. He requested that the Administration supply the information from the Black and Veatch study by Saturday, July 14.

Councilor Sterner asked the Solicitor's office to address the constituent complaint regarding handicapped spaces.

Mayor McMahon explained that currently City legislation prohibits more than two handicapped spaces from being on each City block. He explained that these parking spaces once installed are not owned by the citizen and can be used by any handicapped individual.

Councilor Fuhs left the meeting at this time.

Councilor Sterner congratulated those who received proclamation and commendations at this evening's meeting.

Councilor Marmarou noted the apprehension of suspects in recent burglaries in District 4 by the Police through the assistance of District 4 residents.

Councilor Baez also congratulated those receiving commendations and proclamations at this meeting. She announced the upcoming District 5 community meetings.

Councilor Goodman-Hinnershitz noted her appreciation for the work done by the Work Camp project coordinated by the Office of Neighborhood Development.

Councilor Goodman-Hinnershitz noted her work to educate District 2 residents on the Solid Waste Ordinance and recycling programs.

Councilor Goodman-Hinnershitz noted the re-establishment of the Pendora Park Association who will assist the City with planning for and care of Pendora Park.

Council President Spencer noted the success of our local Aggressive Dog Ordinance. He stated that the Ordinance is currently being challenged in the State Court level.

Mayor McMahon left the meeting at this point.

Council President Spencer expressed the belief that many problems are caused by owners, not animals.

Council President Spencer inquired if the City has hired a second legal specialist. City Solicitor Younger responded that a part time legal specialist has been hired. Her hours will expand to full time in the fall.

Council President Spencer inquired if this legal specialist will be available to assist with Council issues as promised.

Council President Spencer inquired if the Administration has finalized a job description for the Manager of the Office of Neighborhood Development. Managing Director Churchill stated that the job description is currently being developed.

Council President Spencer inquired if any additional special events have been identified by the Special Events Coordinator. Managing Director Churchill stated that none have been identified as of yet.

Council President Spencer requested a report on sales at the Pagoda Coffee Shop.

Council President Spencer inquired if the tree removal at the Pagoda was supervised. Public Works Director Jones stated that Operations and Services Division Manager Kyle Zeiber provided input and did visit the site occasionally. However, he did not provide daily oversight of this project. Council President Spencer noted the need for better brush clearing in this area.

Council President Spencer inquired about the availability of an RFP for the design services for the waste water treatment plant project. Public Works Director Jones stated that the RFQ process has been started. After qualified engineers have been selected, the RFP process will proceed.

Council President Spencer inquired if the Administration is working on a financing plan to fund the waste water treatment plant project. Managing Director Churchill replied that a working draft is being developed and is under review. Council President Spencer inquired when Council will have

the opportunity to review the plan. Managing Director Churchill stated that Council review will occur as soon as the plan is finalized.

Council President Spencer inquired about the problem with the mural on the Sovereign Plaza building at 5<sup>th</sup> and Penn. Managing Director Churchill explained that the mural was installed prior to receipt of HARB approval. He stated that the issue is being addressed.

Council President Spencer thanked building inspectors Steve Franco and Steve Dunkle for their assistance in addressing a problem property in the 500 block of Weiser Street.

**Councilor Marmarou moved, seconded by Councilor Waltman, to adjourn the regular meeting of Council.**

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Linda Kelleher  
City Clerk